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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,172	12/12/2003	Jorg Schultz	01641/1200440-US2	1663
7278	7590	01/11/2006	EXAMINER	
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257			SCHWARTZ, JORDAN MARC	
		ART UNIT	PAPER NUMBER	
			2873	

DATE MAILED: 01/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SK

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/735,172	SCHULTZ ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jordan M. Schwartz	2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 October 2005.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-3,5-14,16-20 and 63-65 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 1-3,5-10,12-14,16-20 and 63 is/are allowed.
- 6) Claim(s) 11,64 and 65 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | Paper No(s)/Mail Date. _____.   |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____. | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|   | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

Claim 64 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. With reference to claim 64, the claimed "lens portion proximate the image plane formed of a single lens with two aspheric surfaces" in combination with the other limitations presents prohibited new matter. Specifically, none of the embodiments within the specification or priority applications support these combination of limitations.

Claims 11 and 65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With reference to claim 11, the claimed "at a distance that is large enough for a deflecting mirror to be arranged" renders the claim vague and indefinite. It is not clear if applicant is claiming a deflecting mirror between the intermediate and most image side lens portion or merely claiming a space between. Furthermore, deflecting mirrors can be of all different sizes and if applicant is merely claiming a space between, the size of the space is not clear rendering the claim vague and indefinite. If the intended meaning is a deflecting mirror between, then it should be more positively and distinctly claimed and if the intended meaning is a spacing of a specific size then it too should be claimed more

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positively and distinctly claimed. As a suggestion, and as is assumed for purposes of examination, applicant may want to claim in line 4, "at a distance that is large enough such that a deflecting mirror is arranged between...".

With reference to claim 65, line 8, that part of the claim stating "being formed of a collecting lens and divergent lens" renders the claim vague and indefinite. It is not clear if "being formed of" is intended to mean "consisting of" or "comprising" and the lack of clarity renders the claim vague and indefinite. Furthermore, it is not clear if applicant means each of the condenser portion, intermediate portion and lens portion proximate the image plane comprising or consisting of the collecting lens and divergent lens or if some other meaning is intended. For purposes of examination and as is assumed for purposes of examination, it is suggested that applicant delete "and being formed of" and insert therein "and each comprising" to provide the necessary clarity.

***Allowable Subject Matter***

Claims 1-3, 5-10, 12-14, 16-20, and 63 are allowed.

Claim 11 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Claim 65 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

The following is a statement of reasons for the indication of allowable subject matter: with respect to the allowable subject matter, none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a

rejection under 35 USC 102 or 103. Specifically, with reference to independent claims 1 and 12, none of the prior art either alone or in combination, disclose or teach of the claimed REMA objective specifically including, as the distinguishing features in combination with the other limitations, a lens portion proximate the image plane in a region where an absolute ray height of an outermost chief ray exceeds an absolute ray height of a marginal ray at the lens surfaces, with the lens portion proximate the image plane comprising a collection lens and a divergent lens. Specifically, with reference to independent claim 63, none of the prior art either alone or in combination, disclose or teach of the claimed REMA objective specifically including, as the distinguishing features in combination with the other limitations, a lens portion proximate the image plane in a region where an absolute distance of an outermost chief ray to the optical axis exceeds an absolute distance of a marginal ray to the optical axis, with the lens portion proximate the image plane comprising a collection lens and a divergent lens.

Specifically, with reference to independent claim 65, none of the prior art either alone or in combination, disclose or teach of the claimed REMA objective specifically including, as the distinguishing feature in combination with the other limitations, the condenser portion, intermediate portion, and the lens portion proximate the image plane each comprising a collecting lens and a divergent lens.

***Response to Arguments***

Applicant's arguments filed October 18, 2005 have been considered but, with respect to the 112 rejection of claim 11 as set forth above, they are not persuasive. Specifically, applicant argues that it is clear that the mirror is disposed between the

intermediate portion and the lens portion proximate to the image plane. The examiner disagrees. The claim is claiming a distance between to support a mirror but is not specifically claiming the mirror itself between. Further clarity is required.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is (571) 272-2337. The examiner can normally be reached on Monday to Friday (8:30 to 4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached at (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jordan M. Schwartz  
Primary Examiner  
Art Unit 2873  
January 4, 2006